

DSJ-10670/US

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Examiner Steven N. Meyers and the original amendment filed December 17th, 2002 was ordered to be entered as timely filed.

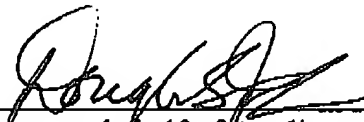
While it is respectfully submitted that the December 17th, 2002 amendment was in fact fully responsive in accordance with the rules in force at that time, attorney appreciates that the Response is just now being dealt with and to avoid any controversy and for the convenience of the Office, a fresh set of claims is attached hereto. The claims of this fresh set are the claims set out in the December 17th, 2002 response but now the claims are identified as original or amended.

REMARKS

For the reasons set out above, it is respectfully submitted that the December 17th, 2002 response was timely filed on December 17th, 2002 and was, and is, fully responsive to the prior September 17th, 2002 Official Action since it was filed before passage of 37 C.F.R. 1.111. However, as stated, to avoid any controversy and for the convenience of the Office, the fresh set of claims is attached.

It is respectfully submitted as set out in the December 17th, 2002 response that the claims as they now stand clearly and patentably distinguish over the prior art. Reconsideration and allowance of the application is therefore respectfully requested.

Respectfully submitted,



Agent on behalf of Applicant
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DSJ/af

Enclosure: Fresh Set of Claims and
Notice from Special Program Examiner Meyers

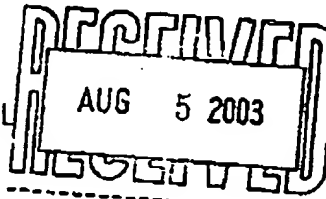


UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 29 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re application of
Vic De Zen
Application No. 09/735,498
Filed: December 14, 2000
For: MOLDED FRAME CONSTRUCTION

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT


This is in response to applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on May 29, 2003.

The petition is **DISMISSED** as moot.

A review of the application file reveals that an Office action was mailed on September 17, 2002 wherein a three-month shortened statutory period for reply was set. Since no response had been matched with the file and the six-month statutory period for response had expired, the application was held to be abandoned and a notice to that effect was mailed on April 9, 2003.

A further review reveals that the original amendment of December 17, 2002 has since been matched with the file. That original amendment is timely. Since a timely response to the Office action of September 17, 2002 has been filed, the abandonment will be withdrawn. Since the original of the amendment in question is now in the file, there is no need to treat the petition on the merits and it is therefore dismissed as moot.

This application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment, return the application to pending status and enter the original amendment filed December 17, 2002 before forwarding to the examiner for treatment on the merits.


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SNM/tpl: 7/21/03

THE EMBODIMENTS OF THE INVENTION IN WHICH AN EXCLUSIVE PROPERTY OR PRIVILEGE IS CLAIMED ARE DEFINED AS FOLLOWS:

1.(previously amended) First and second one piece integrally molded area circumscribing frame members that fit against one another to form an area circumscribing support frame having an article retaining recess formed therebetween and extending therearound.

2.(original) One piece integrally molded frame members as claimed in Claim 1 in which at least one of said members has an integral laterally projecting peripheral wall extending around the perimeter thereof against which the other frame member fits to form said article retaining recess.

3.(original) One piece integrally molded frame members as claimed in Claim 1 in which both of said frame members have laterally projecting peripheral walls extending around their outer perimeters which abut when said frame members are fitted together to define said article retaining recess.

4.(original) One piece integrally molded frame members as claimed in Claim 2 or 3 in which both of said frame members have at their inner perimeters integral laterally projecting lips which, upon said members being fitted together, face each other with a space therebetween to form a slotted wall overlying at least a portion of said article retaining recess.

5.(original) One piece integrally molded frame members as claimed in Claim 1, 2 or 3 in which said members are injection molded plastic members.

6.(original) One piece integrally molded frame members as claimed in Claim 1, 2 or 3 in which said members are compression molded plastic members.

7.(original) One piece integrally molded frame members framed in Claim 1 in which each of said members is one side of a window sash and said retaining recess is adapted to retain a glazing unit.

8.(original) One piece integrally molded frame members as claimed in Claim 4 in which said members form the sides of a frame to support a sliding window sash.

9.(original) One piece integrally molded frame members as claimed in Claim 1 in which at least one of said frame members is further formed to fit against a third one piece integrally molded area circumscribing frame member to form a second support frame having an article retaining recess therein.

10.(previously amended) First and second frame members as claimed in Claim 1 configured to form on assembly face to face one side of a window frame, at least one of said frame members having at the outer perimeter thereof a laterally projecting wall which spaces said frame members from one another and defines a window unit retaining recess.

11.(currently amended) Frame members as claimed in Claim 10 having at least over a portion of their inner perimeters integral inwardly projecting lips having a width less than half the spacing between said frame members when the same are assembled face to face.

12.(original) First and second frame members as claimed in Claims 10 or 11 in combination with a third one piece molded area circumscribing rectangular frame member configured for assembly with one of said first and second frame members at one side thereof opposite to said side forming said retaining recess to form an adjoining frame having a window retaining recess therein.

13.(original) First and second frame members as claimed in Claim 1 formed to be brought together face to face to form the sides of a window sash with a glazing unit retaining recess therebetween, a glazing unit located between said sash sides received in said retaining recess and means securing said molded frame members together to retain said glazing unit therebetween.

14.(original) A window unit as claimed in Claim 13 in which said frame members are formed to interengage when in registration.

15.(currently amended) First and second frame members as claimed in Claim 1 each configured to form opposite sides of a sliding window unit frame, at least one of said frame sides having an integral laterally projecting wall at its outer perimeter which spaces said opposite frame sides from one another when the same are assembled, and both said one piece frame members having at their inner perimeters an integral lip having a width less than one half the spacing of said frame members when the same are assembled, said lips projecting inwardly of said frame members when assembled to provide retaining walls overhanging at least a portion of said retaining [channel] recess, said retaining walls having a space therebetween providing access to said retaining channel.

16.(original) A window unit as claimed in Claim 15 in combination with a third rectangular frame member of one piece molded construction configured to form with one of the aforesaid frame members a second frame in which said one of said frame members forms one side thereof with said third frame member.